IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 2917 of 2005

Between:

1 D.V. Krishna Reddy, S/o Pedda Rami Reddy, Hindu,
2 G. Rami Reddy, S/o Thirupal Reddy, Hindu,
3 D. Rama Mohan Reddy, S/o Pedda Rami Reddy, Hindu,
(All are Residents of Konidedu Village,Panyam Mandal, Kurnool District).

..... PETITIONERS

AND

1 The Special Deputy Collector (L.A.O), S.R.B.C. Nandyal,

Kurnool District.

2 The Income Tax Officer, Ward No.1, Nandyal, Kurnool

District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or order or direction, declaring the present action of the respondents in deducting the amount from the compensation amount payable to the petitioners as per the Civil Court decrees towards Income Tax as illegal, unconstitutional and void and consequently direct the respondents not to deduct any amount from the compensation amount payable to

the petitioners as per the decrees of the Civil Court towards Income Tax and to pay the same without any deductions to the petitioners forthwith and to pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR.P.VENGALA REDDY

Counsel for the Respondent No.1: GP FOR LAND ACQUISITION

Counsel for Respondent No.2 : Mr.S.R.Ashok

The Court made the following :

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ORDER: ***(Per Hon'ble Sri Justice M.H.S.Ansari)***

The reliefs as claimed in the instant writ petition were the subject matter of consideration in W.P.No.2358 of 2003 which was disposed of by orders, dated 10.02.2003, disposing of the writ petition in terms of the orders of Division Bench in another writ petition being W.P.No.3934 of 1989, dated 13.12.1995.

2. In the instant case, petitioner seeks similar reliefs and the learned Standing counsel for the Income Tax Department states that the writ petition can be disposed of in terms of the orders in the aforesaid writ petition.

3. Accordingly, the writ petition is allowed in terms of the decision of the Division Bench of this Court in W.P.No.2358 of 2003, which was allowed in terms of the orders in W.P.No.3934 of 1989, dated 13.12.1995.

4. In the result, the writ petition is allowed subject to the condition that the petitioner shall file Form 15 H before the first respondent. No order as to costs.

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M.H.S.ANSARI, J

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T.CH.SURYA RAO, J

Dated: 22.02.2005

RAR

To

1 The Special Deputy Collector (L.A.O), S.R.B.C. Nandyal,

Kurnool District.
2 The Income Tax Officer, Ward No.1, Nandyal, Kurnool

District.

3 2 CCs to G.P for Land Acquisition, High Court Buildings,

4 2 CD copies.